

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EUGENE ROBERT CATE,) 02:99-cv-1466-GEB-JFM-P
)
 Plaintiff,)
)
 v.) ORDER
)
JOSEPH MCGRATH, Warden; and JEANNE)
WOODFORD, Director, California)
Department of Corrections,)
)
 Defendants.)
)
_____)

On October 5, 2005, Defendants filed a "Request for Reconsideration by the District Court of Magistrate Judge's Ruling." The Magistrate Judge's ruling to be reconsidered was filed September 22, 2005. Plaintiff did not file an opposition to Defendants' request.

A magistrate judge's ruling shall be upheld unless "clearly erroneous or contrary to law." L.R. 72-303(f). The Magistrate Judge's ruling to expand the record to include the report of Dr. Joan Gerbasi is not clearly erroneous or contrary to law. Therefore, the ruling is affirmed.

DATED: October 14, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge